



# PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)  
46500-000570/US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

Application Number  
10/782,867

Filed  
February 23, 2004

First Named Inventor  
Kang Soo SEO et al.

Art Unit  
2621

Examiner  
Oluwaseun ADEGEYE

On \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 35,416.

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Gary D. Yacura  
Typed or printed name

703-668-8000  
Telephone number

March 23, 2010  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.



Attorney Docket No: 46500-000570

Application No. 10/782,867

Page 1 of 5

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Kang Soo SEO et al.  
Application No.: 10/782,867  
Filed: February 23, 2004  
Group: 2621  
Examiner: Oluwaseun ADEGEYE  
For: METHODS AND APPARATUSES FOR REPRODUCING AND  
RECORDING STILL PICTURE AND AUDIO DATA AND  
RECORDING MEDIUM HAVING DATA STRUCTURE FOR  
MANAGING REPRODUCTION OF STILL PICTURE AND AUDIO  
DATA

Atty Docket No.: 46500-000570/US

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314  
**Mail Stop AF**

Date: March 23, 2010

**REASONS FOR PRE-APPEAL BRIEF CONFERENCE**

Sir:

In response to the Final Office Action mailed on November 24, 2009, ("Final Office Action") and the Advisory Action mailed on February 23, 2010, ("Advisory Action"), Applicants request that the Pre-Appeal Brief Review Board (hereinafter Board) review the pending rejections. The Pre-Appeal Brief Request and Notice of Appeal are being filed concurrently with these Reasons for Pre-Appeal Brief Request for Review.

Claims 1-33 are pending in the current Application and stand rejected. Claims 4-5, 9-23 and 26 are withdrawn, and therefore claims 1-3, 6-8, 24-25 and 27-33 stand rejected. Claims 1, 24 and 25 are independent claims.

**Rejections for which Conference is Requested**

A Pre-Appeal-Brief Conference is requested to review the rejection of claims 1-3, 6-7 and 27-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,574,419 ("Nonomura") in view of U.S. Patent 6,975,419 ("Baldwin"), and the rejection of claims 8 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Nonomura in view of Baldwin and further in view of U.S. Patent Publication No. 2002/0164152 ("Kato").

Initially, please refer to Applicant's arguments on pages 9-13 of the February 16, 2010 Amendment.

**Rejections Under 35 U.S.C. § 103 – Nonomura in view of Baldwin**

Claims 1-3, 6-7 and 27-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,574,419 ("Nonomura") in view of U.S. Patent No. 6,975,363 ("Baldwin"). This rejection is respectfully traversed.

With regard to independent claim 1, initially please refer to Applicant's arguments on pages 9-12 of the January 7, 2010 Amendment.

In addition to Applicant's previous §103 arguments, Applicant provides additional discussion below asserting that Nonomura in view of Baldwin does not teach or suggest "wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data," as recited in claim 1. In the Advisory Action, the Examiner asserts that column 3, lines 4-7 and column 6, lines 37-44 of Baldwin discloses independent system time clocks and presentation time stamps for audio and video data.<sup>1</sup> However, Applicant submits column 3, lines 4-

---

<sup>1</sup> See page 3 of the February 23, 2010 Advisory Action.

15 of Baldwin disclose that the audio clock and the video clock are both compared to the same "local time," and adjustments are then made to the audio and video presentation speed to ensure that they both match the "local time" (i.e., the audio / video data are both synchronized). For at least this reason, Applicant asserts that Baldwin does not teach or suggest "wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data," as recited in claim 1. Applicant further asserts that Nonomura does not remedy this disclosure or suggestion deficiency of Baldwin, nor does the Examiner rely on Nonomura for this purpose.

With regard to independent claims 24 and 25, Applicant asserts that these claims contain features similar to independent claim 1 such that at least the same arguments can be made.

For at least the reasons stated above, Applicant asserts that independent claims 1 and 24-25 are patentable. Due at least to the dependence of claims 2-3, 6-7 and 27-32 on the respective independent claims, Applicant also asserts that these claims are patentable. Therefore, Applicant respectfully requests that this rejection of the claims under 35 U.S.C. §103 be withdrawn.

**Rejections Under 35 U.S.C. § 103 – Nonomura in view of Baldwin and further in  
view of Kato**

Claims 8 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nonomura in view of Baldwin and further in view of U.S. Patent Publication No. 2002/0164152 ("Kato"). This rejection is respectfully traversed.

The Examiner uses Kato to disclose reproducing at least one playlist file from the recording medium, the playlist including at least one playitem and at least one sub-playitem indicating an in-point and out-point of the stream file for reproducing the still picture data the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data. With regard to independent claims 1 and 25, Applicant asserts that these claims are patentable over Nonomura in view of Baldwin for at least the reasons stated above. Applicant asserts that a review of Kato indicates that Kato does not remedy the deficiencies of Nonomura in view of Baldwin, nor does the Examiner rely on Kato for this reason. Therefore, Applicant asserts that independent claims 1 and 25 are patentable over any and all combination of Nonomura, Baldwin and Kato. Due at least to the dependence of claims 8 and 33 on claims 1 and 25, respectively, Applicant also asserts that these claims are patentable. Therefore, Applicant respectfully requests that this rejection of the claims under 35 U.S.C. §103 be withdrawn.

**CONCLUSION**

In view of the above remarks, Applicants request the Pre-Appeal Brief Conference to find in favor of Applicants' positions and arrange for withdrawal of the above-noted rejections, culminating in the sending of a Notice of Allowance of the pending claims.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-2025 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By: 

Gary D. Yacura, Reg. No. 35,416  
Corey E. Smith, Reg. No. 57,807

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

GDY/<sup>CE</sup>CES:cfc